

IN THE MATTER OF THE)
DISABILITY APPLICATION OF:)
CAPTAIN BRADLEY DIEL)
APPLICANT.)

This matter comes before the Board of Trustees of the Champaign Firefighters' Pension Fund ("Pension Board") upon the disability application of Captain Bradley Diel ("Applicant"). The Pension Board, per the statutory authority set forth in 40 ILCS 5/4-101 *et seq.*, of the Illinois Pension Code, renders the following decision concerning Applicant's claim for line-of-duty disability pension benefits. A hearing was held before the Pension Board on March 28, 2025. Applicant was duly notified, present, and represented by Attorney Stephen P. Kelly.

In reaching its decision, the Pension Board carefully considered all testimony and reviewed all exhibits made part of the administrative record. The Pension Board considered all arguments made by Applicant and documentation submitted. To the extent documentation submitted by Applicant is in accordance with the findings, conclusions and views stated herein, it has been accepted. To the extent the documentation submitted is not in accord with the findings herein, it is not credited.

Based upon a preponderance of the evidence in the administrative record, the Pension Board makes the following findings of fact:

Preliminary Matters

1. Applicant is a regular member of the Champaign Fire Department ("Fire Department") holding the rank of Captain. (Bd. Ex. 1, p. 1).¹
2. Applicant was hired on July 14, 1997 as a probationary firefighter. He was promoted to Captain on September 11, 2024. (Bd. Ex. 1, p. 1).
3. Applicant applied for disability benefits in relation to his left arm, left shoulder, and neck. (Bd. Ex. 1, p. 2).
4. Board Exhibits one (1) through nine (9) were admitted into the Administrative Record. Applicant's Exhibit one (1) was admitted. (Tr. 5-6).

April 16, 2023 Incident

5. On April 16, 2023, Applicant responded to a call for service and administered aid to an obese patient in cardiac arrest. Initially, Applicant moved the patient from the bathroom to the living room and then transferred the patient onto a cot. (Bd. Ex. 1, p. 2; Bd. Ex. 2, p. 1297; Bd. Ex. 7, p. 4667).
6. While moving the patient, Applicant's "left small and ring fingers 'went numb.'" He also experienced discomfort along his ulnar forearm to his neck. (Bd. Ex. 1, p. 2; Bd. Ex. 7, p. 4667).

Medical Condition & Treatment

7. On February 15, 2016, Naser Jahanbiglar, PA-c, noted "[Applicant] stated that he has a history of shoulder and back pain in the part and normally goes to a chiropractor for adjustment[.]" Applicant complained of "pain of the upper back and neck, pain goes to the left arm and all the way to the hand causing some numbness and tingling and pain." He was diagnosed with cervicalgia. (Bd. Ex. 2, p. 3241-42).

¹ Board Exhibits are referred to as (Bd. Ex. _____, p. _____); Claimant's Exhibit is referred to as (Cl. Ex. 1, p. _____); and Transcript is referred to as (Tr. _____).

8. On February 16, 2016, Dr. Bradley Peterson diagnosed Applicant with cervical spine stenosis. (Bd. Ex. 2, p. 3213).
9. On February 19, 2016, Dr. Victoria J. Johnson diagnosed Applicant with cervical spondylosis with radiculopathy and cervical stenosis causing cord compression. (Bd. Ex. 2, p. 3205).
10. On April 27, 2023, Dr. Romero N. Santiago diagnosed Applicant with a left shoulder strain, a neck strain, and cervical radiculopathy. (Bd. Ex. 2, p. 1336-37).
11. Applicant sought regular treatment and underwent physical therapy. (Bd. Ex. 2).
12. Applicant underwent an anterior cervical fusion on December 15, 2023 and a posterior cervical fusion on December 24, 2023. (Bd. Ex. 3, p. 4036-37).

Independent Medical Examinations

13. Per 40 ILCS 5/4-112 of the Illinois Pension Code, Applicant must be examined by (3) physicians at the Pension Fund's expense. The Pension Board retained INSPE to select three (3) physicians to conduct independent medical examinations ("IME") of Applicant. (Bd. Ex. 6). Those physicians were Dr. Prasant Atluri, M.D. (Bd. Ex. 7), Dr. Joseph F. Mitton, M.D. (Bd. Ex. 8), and Dr. Paul D. Belich, M.D. (Bd. Ex. 9). The Pension Board provided INSPE with Applicant's treating medical records and related employment records who forwarded them to each of the Independent Medical Examiners prior to examination.

Dr. Prasant Atluri

14. Dr. Prasant Atluri is licensed to practice medicine in the State of Illinois and is board certified in orthopedic surgery and has a "Certificate of Added Qualifications in Surgery of the Hand." (Bd. Ex. 7, p. 4677).

15. Dr. Atluri opined "[t]here is no upper extremity condition preventing [Applicant] from resuming his full and unrestricted firefighter duties." (Bd. Ex. 7, p. 4671).

16. Dr. Atluri opined as follows regarding pre-existing conditions:

The clinical documentation available for my review does suggest that [Applicant] has cervical spine abnormalities which were identified prior to the reported work injury. The electrodiagnostic studies reveal chronic abnormalities involving his ulnar nerve and median nerve which clearly pre-date the reported work injury.

However as indicated above the upper extremity abnormalities including his median neuropathy and ulnar neuropathy have not contributed to any disability in relation to his work as a firefighter.

17. Dr. Atluri opined "[t]he history provided by [Applicant] is consistent with his clinical presentation." (Bd. Ex. 7, p. 4672).

18. Dr. Atluri opined "[Applicant's] injury did occur as a direct result of the 4/16/23 accident based upon the clinical documentation." Yet, he opined "there is no left upper extremity condition which is attributable to the accident from 4/16/2023. Dr. Atluri opined "there is no left upper extremity condition which is significantly contributing to any disability in relation to his work as a firefighter." (Bd. Ex. 7, p. 4672).

Dr. Joseph F. Mitton

19. Dr. Joseph F. Mitton is licensed to practice medicine in the State of Illinois and is board-certified in emergency medicine. (Bd. Ex. 8, p. 4685, 4690).

20. Dr. Mitton opined "[Applicant] is disabled and unable to perform his full and unrestricted firefighter duties." He diagnosed Applicant with "pain and weakness due to left cervical radiculopathy and left ulnar neuropathy." (Bd. Ex. 8, p. 4683).

21. Dr. Mitton opined Applicant's disability is permanent. (Bd. Ex. 8, p. 4683).

22. Dr. Mitton opined "[Applicant] has a previous cervical spine injury, February 14, 2016[.]" that was diagnosed as degenerative disc disease." (Bd. Ex. 8, p. 4683).

23. Dr. Mitton opined "[t]he explanation provided was consistent with my findings." (Bd. Ex. 8, p. 4683).

24. Dr. Mitton opined "[Applicant's] disability resulted from the incident of April 16, 2023 superimposed on his spinal degenerative disc disease." He noted "[t]he resulting aggravation caused disc extrusion and swelling that did not resolve." Lastly, Dr. Mitton opined "[s]urgical intervention was necessary but was unsuccessful in restoring [Applicant] to full function." (Bd. Ex. 8, p. 4683).

25. Dr. Mitton opined there is "no medical care or treatment that could reasonably be expected to return [Applicant] to full and unrestricted firefighter duties." (Bd. Ex. 8, p. 4684).

Dr. Paul D. Belich

26. Dr. Paul D. Belich is licensed to practice medicine in the State of Illinois and is board-certified in orthopedic surgery. (Bd. Ex. 9, p. 4701-02).

27. Dr. Belich opined "[t]he diagnosis is severe cervical spinal stenosis at C56 [sic] and C67 [sic], post ACDF C56-67 [sic] complicated by an acute cervical myelopathy post-op with subsequent posterior decompression-fusion from C4 to T2." (Bd. Ex. 9, p. 4696). He opined "[Applicant] is totally disabled from returning to his duties as a firefighter." (Bd. Ex. 9, p. 4696).

28. Dr. Belich opined Applicant's disability is permanent. (Bd. Ex. 9, p. 4696).

29. Dr. Belich opined "[Applicant] has had a diagnosis of cervical spinal stenosis since a prior work-related accident in 2016 which resulted in similar symptoms that resolved." (Bd. Ex. 9, p. 4696).

30. Dr. Belich opined "[Applicant's] explanation of how the disability occurred are [sic] consistent with my findings." (Bd. Ex. 9, p. 4696).

31. Dr. Belich opined "[t]he disability did aggravate a pre-existing condition but the April 2023 accident is the direct cause of his two cervical surgeries, his subsequent disability, and his continued left upper extremity symptoms." (Bd. Ex. 9, p. 4696).

32. Dr. Belich opined "[Applicant's] disability is permanent and no treatment would allow him to recover and perform his duties as a firefighter." (Bd. Ex. 9, p. 4696-97).

Work Status & Pay

33. Applicant's worker's compensation case remains pending. (Tr. 8).

Pension Board's Decision

34. The Pension Board voted 5-0 to award Applicant a duty disability benefit effective March 29, 2025. (Tr. 7-10).

II. RELEVANT STATUTORY PROVISIONS

The following provisions of the Illinois Pension Code have application:

40 ILCS 5/4-105b Permanent disability.

"Permanent disability": any physical or mental disability that (1) can be expected to result in death, (2) has lasted for a continuous period of not less than 12 months, or (3) can be expected to last for a continuous period of not less than 12 months.

40 ILCS 5/4-110 Disability pension – Line of Duty.

If a firefighter, as the result of sickness, accident or injury incurred in or resulting from the performance of an act of duty or from the cumulative effects of acts of duty, is found, pursuant to Section 4-112, to be physically or mentally permanently disabled for service in the fire department, so as to render necessary his or her being placed on disability pension, the firefighter shall be entitled to a disability pension equal to the greater of (1) 65% of the monthly salary attached to the rank held by him or her in the fire department at the date he or she is removed from the municipality's fire department payroll or (2) the retirement pension that the firefighter would be eligible to receive if he or she retired (but not including any automatic annual increase in that retirement pension). A firefighter shall be considered "on duty" while on any assignment approved by the chief of the fire department, even though away from the municipality he or she serves as a firefighter, if the assignment is related to the fire protection service of the municipality.

40 ILCS 5/6-110 Act of Duty.

"Act of duty": Any act imposed on an active fireman by the ordinances of a city, or by the rules or regulations of its fire department, or any act performed by an active fireman while on duty, having for its direct purpose the saving of the life or property of another person.

III. ANALYSIS

The burden of proving entitlement to any kind of disability pension rests with the Applicant. *Evert v. Firefighters' Pension Fund of Lake Forest*, 180 Ill. App. 3d 656 (2nd Dist. 1989). When deciding pension claims, it is particularly within the province of the pension fund board of trustees to resolve any conflicts presented by the evidence and to determine the credibility of witnesses. *Mizon v. Bd. of Trustees of the Des Plaines Firemen's Pension Fund*, 54 Ill. 2d 260 (1973). Due to their personal knowledge, the pension board members are in the best position to determine pension questions. *Sanders v. Springfield Police Pension Bd.*, 112 Ill. App. 3d 1087 (4th Dist. 1983).

Applicant's Line-of-Duty Disability Claim

The elements a firefighter must prove to obtain a line-of-duty disability pension are:

1. He or she is a firefighter;
2. An accident, injury or sickness was incurred;
3. The accident, injury or sickness was incurred in or resulted from the performance of an act of duty; and
4. The firefighter is permanently disabled from service in the Fire District. *See Gloss v. Bd. of Trustees, Firemen's Pension Fund of Chicago Heights*, 132 Ill. App. 3d 736, 739 (1st Dist. 1971).

The Pension Board finds Applicant satisfied his burden of proof and established each of the necessary elements to obtain a line-of-duty disability pension.

1. Applicant is disabled from full, unrestricted duty.

Applicant was a Captain for the Fire Department on April 16, 2023, and at the time he applied for line-of-duty disability pension benefits. Applicant suffered an injury while performing the requirements of his job as a Captain for the Fire Department. The objective medical evidence shows the April 16, 2023 incident resulted in Applicant's injuries, and two (2) independent medical examiners found Applicant is disabled from performing full, unrestricted firefighter duties as a result of injuries to his cervical spine/neck. Further, there is no objective medical evidence that Applicant can return to full, unrestricted firefighter duties. No permanent light-duty position exists within the Fire Department. As such, the Pension Board finds Applicant is disabled.

2. Applicant is disabled as the result of an "act of duty."

Applicant incurred his disabling injury from the performance of an act of duty. The term "act of duty" for purposes of Article 4 of the Illinois Pension Code should be construed in accordance with the definition contained in Article 6 of the Pension Code. *Jensen v. E. Dundee Fire Prot. Dist. Firefighters' Pension Fund Bd. of Trustees*, 362 Ill. App. 3d 197, 203 (2d Dist. 2005). Section 6-110 of the Pension Code defines an act of duty as "[1] [a]ny act imposed on an active fireman by the ordinances of a city, or [2] by the rules or regulations of its fire department, or [3] any act performed by an active fireman while on duty, having for its direct purpose the saving of the life or property of another person. 40 ILCS 5/6-110. Importantly, "[t]o qualify for a duty disability pension, firefighters need only show that one of these definitions is met." *Vill. of Roselle v. Bd. of Trs.*, 2021 IL App (2d) 200360, ¶35.

The claimant must prove the duty-related accident is a causative factor contributing to his disability. *Luchesi v. Ret. Bd. of Firemen's Annuity & Benefit Fund of Chicago*, 333 Ill. App. 3d 543, 550 (1st Dist. 2002). A sufficient nexus must exist between the disability and the performance

of the act of duty for line-of-duty disability benefits to be appropriate. *Barber v. Bd. of Trustees of Vill. of S. Barrington Police Pension Fund*, 256 Ill. App. 3d 814, 818 (1st Dist. 1993). The claimant has the burden of establishing a causal connection between the act of duty and his disability. *Carrillo v. Park Ridge Firefighters' Pension Fund*, 2014 IL App (1st) 130656, ¶27. The Pension Board finds Applicant incurred his disabling injury from the performance of an "act of duty."

On April 16, 2023, Applicant responded to a call for service and rendered aid to an obese patient he discovered. He initially moved the patient from the bathroom to the living room and then transferred the patient onto a cot. While moving the patient, Applicant's "left small and ring fingers 'went numb.'" He also experienced discomfort along his ulnar forearm to his neck. While Applicant did have some pre-existing conditions, the Pension Board finds the April 16, 2023 incident contributed to Applicant disability.

The Pension Board finds Applicant sustained his injury while performing duties having for its direct purpose the saving of the life of another person. Further, the unanimous opinion of two (2) independent medical examiners found Applicant's disabling injury was caused, in whole or in part, as a result of carrying out his duties on April 16, 2023. Therefore, based upon a preponderance of the evidence, the Pension Board finds Applicant is disabled to render necessary his suspension from service in the Fire Department. Because the April 16, 2023 incident caused Applicant's disability, the Pension Board finds Applicant's disabling condition resulted from an "act of duty."

IV. CONCLUSIONS

1. The Board of Trustees of the Champaign Firefighters' Pension Fund has jurisdiction over this subject matter.

2. Applicant is entitled to a line-of-duty disability pension pursuant to §5/4-110 of the Illinois Pension Code, effective March 29, 2025, because he sustained a disabling injury in the performance of an act of duty.

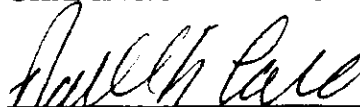
3. Pursuant to 40 ILCS 5/4-110, Applicant is entitled to receive a disability pension benefit of 65% of his salary attached to rank, said salary determined to be \$ 138,065.16 _____ per year.

4. Applicant shall notify the Pension Board in the event of settlement or receipt of an award from any Workers' Compensation case in order for the Pension Board to determine whether there should be an offset pursuant to §5/4-114.2 of the Illinois Pension Code, and the Pension Board will retain jurisdiction over this matter for this purpose only.

IT IS THEREFORE ORDERED:

That a certificate of payment shall be issued to Applicant, Captain Bradley Diel, per 40 ILCS 5/4-125 of the Illinois Pension Code, stating Applicant's entitlement to a line-of-duty disability benefit, effective March 29, 2025.

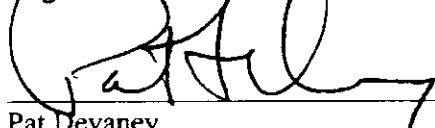
**BOARD OF TRUSTEES OF THE
CHAMPAIGN FIREFIGHTERS' PENSION FUND**



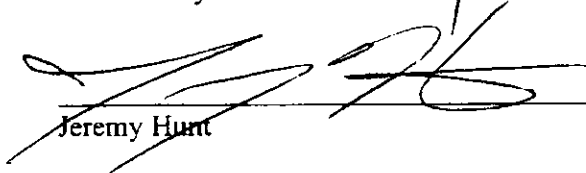
Darrel Calson




Roger Cruise



Pat Devaney



Jeremy Hunt



Andy Pruitt

THIS IS A FINAL AND APPEALABLE DECISION. THIS DECISION CAN BE REVIEWED IN THE CIRCUIT COURT BY FILING A COMPLAINT FOR ADMINISTRATIVE REVIEW WITHIN 35 DAYS FROM THE DATE THAT A COPY OF THIS DECISION WAS PLACED IN THE MAIL TO THE PARTY AFFECTED THEREBY.

IN THE MATTER OF THE)
DISABILITY APPLICATION OF:)
CAPTAIN BRADLEY DIEL)
APPLICANT.)

Per Sections 4-125 and 4-110 of the Illinois Pension Code, this certifies Applicant, Captain Bradley Diel, is entitled to payment of a Line-of-Duty Disability Pension equal to 65% of the salary attached to the rank held by him at the time of his removal from the municipality's payroll, less any and all applicable offsets. The pension shall include any applicable additional benefit amount for dependents pursuant to Section 4-110 of the Pension Code. The effective date of Applicant's Line-of-Duty Disability Pension, subject to applicable offsets, is granted effective March 29, 2025. The salary attached to the rank held by Applicant at the date of suspension of duty or retirement is \$ 138,065.16

By:

DATE:

0/19/25

~~SECRETARY~~

CERTIFICATE OF SERVICE

I, Richard J. Reimer, being first duly sworn on oath states that he served copies of the attached Decision and Order, and Certificate of Payment, on the persons named below by depositing same this 20th day of August, 2025 in the U.S. mailbox at 15 Spinning Wheel Road, Hinsdale, Illinois, 60521:

(X) PRIORITY MAIL SIGNATURE CONFIRMATION

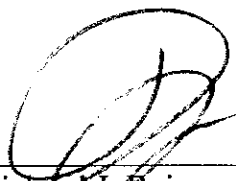
(X) FIRST CLASS MAIL

TO: Captain Bradley S. Diel
712 Swing About
Greenwood, SC 29649

(By Priority Mail Signature Confirmation and First Class Mail)

Stephen P. Kelly, Esq.
Attorney at Law
2710 North Knoxville Avenue
Peoria, Illinois 61604

(By First Class Mail)

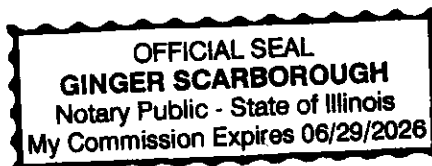


Richard J. Reimer, Esq.

cc: Mr. Roger Cruse, President
Champaign Firefighters' Pension Fund

Mr. Mike Ashby
Champaign Firefighters' Pension Fund

SUBSCRIBED and SWORN
to before me this 20th day
of August 2025.





NOTARY PUBLIC